

SOLE-SOURCING POLICY

On federal-aid or federally assisted projects, because they utilize public funds, the procurement of services, contracts, materials and supplies regardless if they pertain to design, construction or manufacturing, must provide for fair and open competition. Regarding materials and supplies such as construction items, if specific salient physical, functional, or performance characteristics are required, those characteristics need to be described in the specification for the item without the mention of a specific brand, manufacturer or supplier. As an alternative, ADOT will allow the use of a specific brand, manufacturer or supplier if bidders are given at least three acceptable brand names. ADOT does not allow use of the term “or equal” except in the accompaniment of at least three acceptable brand names. Regarding construction contract documents, no bid item is exempt from this policy (including site furnishing, building or landscape item, irrigation system, and site lighting or electrical component, materials and fittings) regardless if specified by the prime design consultant or their subconsultant, or if sole-sourced by agency standard drawing or specification, or regardless if the item is funded with federal or local funds since, with the federal aid, the entire project is considered federalized.

If a specific brand must be used because, for example, it is being used within sight of the project area and must be exactly matched, such as a bench or other type of site furnishing, or required by statutory authority, then the agency will need to submit to ADOT a Finding in the Public Interest to request a sole source waiver. Under the Department’s Certification Acceptance agreement with FHWA, ADOT’s Chief Landscape Architect and manager of the ADOT Roadside Development Section, Leroy Brady FASLA, is the approving authority for sole-sourcing an item. Requests for a sole-source waiver need to be submitted to the ADOT project manager who will initially review the request and forward it with a recommendation to the Chief Landscape Architect for action. The Finding in the Public Interest must provide a compelling justification for the use of the specific brand, supplier or manufacturer.

END OF DOCUMENT